

R/KOFF, T

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
Esther Johnson,

Plaintiff,

-against-

Building Service 32B-J Health Fund, Building
Service 32B-J Pension Fund, the Board of Trustees
of the Building Service 32B-32J Health Fund and
the Board of Trustees of the Building Service
32B-32J Pension Fund,

Defendants.
-----X

(JS12)
Docket No. 08-CV-3314 (JRS)

**STIPULATION OF
SETTLEMENT AND
ORDER OF DISMISSAL**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5-8-08

WHEREAS, plaintiff Esther Johnson filed a complaint on April 2, 2008, alleging that defendants' denial of her claim for disability benefits violated the Employee Retirement Income Security Act of 1974; and

WHEREAS, the parties are interested in resolving the issues alleged in the complaint in this action, and have negotiated in good faith for that purpose; and

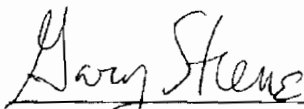
WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

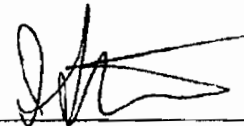
IT IS HEREBY STIPULATED AND AGREED by and between the parties and their respective counsel as follows:

1. The parties hereby agree that the above-captioned action is dismissed and discontinued without prejudice as to the named defendants, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Any and all of the claims for damages by plaintiff which are the subject of this action or otherwise arise out of any of the incidents alleged in the complaint are hereby settled, as against the named defendants, in exchange for which defendants hereby agree to reconsider plaintiff's claims for benefits in accordance with the decision in Demirovic v. Building Service 32B-J Pension Fund, 467 F.3d 208 (2d Cir. 2006).
3. Nothing in this So Ordered Stipulation of Settlement shall be construed as an admission or concession of liability by any of the defendants regarding any of the allegations made by the plaintiff in the complaint.
4. This Stipulation of Settlement and any order entered hereon shall have no precedential value or effect whatsoever and shall not be admissible in any other action or proceeding as evidence or for any other purposes except in an action or proceeding to enforce this Stipulation of Settlement.
5. This So Ordered Stipulation of Settlement embodies the entire agreement of the parties in this matter.



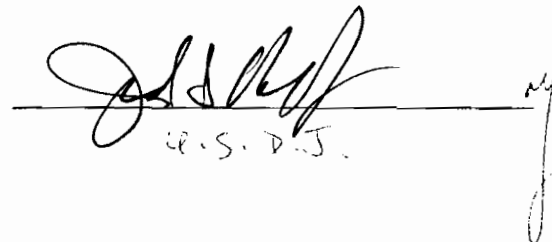
Gary S. Stone (GS5563)
South Brooklyn Legal Services
Attorneys for Plaintiff
105 Court Street, 3rd Floor
Brooklyn, New York 11201
(646) 442-3312
Dated: April 28, 2008



Ira A. Sturm (IS-2042)
Raab, Sturm, Goldman & Ganchrow
Attorneys for Defendants
317 Madison Avenue, Suite 1708
New York, New York 10017
(212) 683-6699
Dated: April 30, 2008

SO ORDERED:

Dated: New York, New York
5/1, 2008



U.S. D.C.